



## **Notice of Statute and Regulation Changes January 2012**

The attached new and amended regulations are effective February 3, 2012. The regulations should be inserted in the bound publication, "Laws and Regulations for Licensing Preschools and Child Care Centers."

<b>K.A.R. 28-4-93</b>	<b>Online information dissemination system (new 02/03/2012)</b>
<b>K.A.R. 28-4-428a</b>	<b>Education and training requirements (new 02/03/2012)</b>
<b>K.A.R. 28-4-440</b>	<b>Infant and toddler programs (amended 02/03/2012)*</b>

**\*Note:** The amended regulation replaces the version found in books dated prior to 2012.

A complete set of the "Laws and Regulations for Licensing Preschools and Child Care Centers" is available on the CCL website [www.kdheks.gov/kidsnet](http://www.kdheks.gov/kidsnet).

If you have any questions about these regulation changes, you may contact the Child Care Licensing Program at (785) 296-1270 or by email at [cclr@kdheks.gov](mailto:cclr@kdheks.gov).

## GENERAL REGULATION

**K.A.R. 28-4-93. Online information dissemination system.** This regulation shall apply to the department's online information dissemination system for child care facilities, as defined in K.S.A. 65-503 and amendments thereto.

- (a) Definitions. The following terms shall have the meanings specified in this regulation:
  - (1) "Applicant" means a person who has applied for a license to operate a child care facility but who has not yet been granted the license.
  - (2) "Applicant with a temporary permit" means a person who has been granted a temporary permit to operate a child care facility.
  - (3) "Department" means Kansas department of health and environment.
  - (4) "Licensee" means a person who has been granted a license to operate a child care facility.
  - (5) "Online information dissemination system" means the electronic database of the department that is accessible to the public.
- (b) Identifying information. Each applicant, each applicant with a temporary permit, and each licensee that wants the department to display the address and the telephone number of the child care facility on the online information dissemination system shall notify the department on a form provided by the department.

(Authorized by and implementing K.S.A. 2010 Supp. 65-534; effective Feb. 3, 2012.)

**K.A.R. 28-4-428a. Education and training requirements.**

(a) Orientation.

- (1) Each person shall, before applying for a license, complete an orientation program on the requirements for operating a preschool or a child care center. If the person is not an individual, the person shall designate an individual to meet this requirement. The orientation shall be provided by the county health department or the secretary's designee that serves the county in which the preschool or child care center will be located.
- (2) Each licensee shall provide orientation to each program director not later than seven calendar days after the date of employment and before the program director is given sole responsibility for implementing and supervising the program.
- (3) Each licensee shall ensure that orientation is completed by each staff member who will be counted in the staff-child ratio and by each volunteer who will be counted in the staff-child ratio. Each staff member and volunteer shall complete the orientation within seven calendar days after the date of employment or volunteering and before the staff member or volunteer is given sole responsibility for the care and supervision of children.
- (4) Each licensee shall ensure that the orientation for each program director, staff member, and volunteer is related to work duties and responsibilities and includes the following:
  - (A) Licensing regulations;
  - (B) the policies and practices of the preschool or child care center, including emergency procedures, behavior management, and discipline;
  - (C) the schedule of daily activities;
  - (D) care and supervision of children in care;
  - (E) health and safety practices; and
  - (F) confidentiality.

(b) Health and safety training.

- (1) Each staff member who is counted in the staff-child ratio, each volunteer who is counted in the staff-child ratio, and each program director shall complete health and safety training either before employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.
- (2) The training shall be approved by the secretary and shall include the following:

- (A) At least two clock-hours of training in recognizing the signs of child abuse or neglect, including prevention of abusive head trauma, and the reporting of suspected child abuse and neglect;
    - (B) at least two clock-hours of training in basic child development; and
    - (C) at least two clock-hours of training on safe sleep practices and sudden infant death syndrome if the individual will be caring for children under 12 months of age.
  - (3) Each individual who is required to complete this training and who was employed in the preschool or child care center before the effective date of this regulation shall complete the training within one calendar year after the effective date of this regulation.
- (c) Pediatric first aid and cardiopulmonary resuscitation (CPR) certifications.
- (1) Each staff member counted in the staff-child ratio, each volunteer counted in the staff-child ratio, and each program director shall obtain certification in pediatric first aid and in pediatric CPR as specified in this subsection either before the date of employment or volunteering or not later than 30 calendar days after the date of employment or volunteering.
  - (2) Each individual who is required to obtain the certifications and who was employed in the preschool or child care center before the effective date of this regulation shall obtain the certifications within one calendar year after the effective date of this regulation.
  - (3) Each individual who is required to obtain the certifications shall maintain current certifications.
  - (4) Each licensee shall ensure that, for each unit in a preschool or child care center, at least one staff member or volunteer counted in the staff-child ratio who has current certification in pediatric first aid and current certification in pediatric CPR is in attendance at all times.
- (d) Education requirements. Each program director shall be a high school graduate or equivalent. For each unit in a preschool or child care center, there shall be in attendance at all times at least one staff member who has a high school diploma or equivalent, as required in K.A.R. 28-4-429(h).
- (e) Annual in-service training requirements.
- (1) Each program director shall complete annual in-service training as required in K.A.R. 28-4-428(e)(1).
  - (2) Each staff member counted in the staff-child ratio and each volunteer counted in the staff-child ratio shall complete annual in-service training as required in K.A.R. 28-4-428(e)(2).

- (f) Documentation. Each licensee shall ensure that documentation of all orientation, training, certifications, and education requirements is kept in each individual's file in the preschool or child care center.

(Authorized by and implementing K.S.A. 2010 Supp. 65-508; effective Feb. 3, 2012.)

**K.A.R. 28-4-440. Infant and toddler programs.**

- (a) Infant and toddler programs shall be conducted on the ground floor only.
- (b) Each unit of infants and each unit of toddlers shall be separate from each unit of older children.
- (c) Floor furnaces shall be prohibited.
- (d) A sleeping area separate from the play area shall be provided for infants.
- (e) A crib or playpen shall be provided for each infant in care at any one time. Cribs and playpens shall be maintained in good condition. Clean individual bedding shall be provided.
- (f) Each licensee shall ensure that the following requirements are met:
  - (1) The use of stacking cribs, cribs with water mattresses, or bassinets shall be prohibited.
  - (2) Cribs and playpens shall have slats not more than 2 3/8 inches apart.
  - (3) All sides of each crib or playpen shall be up while the crib or playpen is in use.
  - (4) On and after December 28, 2012, each licensee shall ensure that no crib purchased before June 28, 2011 is in use in the facility.
- (g) Each licensee shall make any necessary changes to follow the recommendations of any consumer warning or recall of a crib or a playpen as soon as the warning or recall is known.
- (h) Each licensee shall develop and implement safe sleep policies and practices for infants and toddlers and shall ensure that the policies and practices are discussed with the parent or legal guardian of each child before the first day of care. The safe sleep policies and practices shall include the following requirements:
  - (1) Each staff member who cares for children and each volunteer who cares for children shall follow the safe sleep policies and practices of the child care center.
  - (2) Each staff member who cares for infants and each volunteer who cares for infants shall ensure that all of the following requirements are met:
    - (A) Each infant shall nap or sleep in a crib or a playpen.
    - (B) An infant shall not nap or sleep in the same crib or playpen as that occupied by another infant or child at the same time.
    - (C) If an infant falls asleep on a surface other than a crib or playpen, the infant shall be moved to a crib or playpen.

- (D) Each infant shall be placed on the infant's back to nap or sleep.
  - (E) When an infant is able to turn over independently, the infant shall be placed on the infant's back but then shall be allowed to remain in a position preferred by the infant. Wedges or infant positioners shall not be used.
  - (F) Each infant shall sleep in a crib or a playpen that is free of any soft items, which may include pillows, quilts, heavy blankets, bumpers, and toys.
  - (G) If a lightweight blanket is used, the blanket shall be tucked along the sides and foot of the mattress. The blanket shall not be placed higher than the infant's chest. The head of the infant shall remain uncovered. Any infant may nap or sleep in sleep clothing, including sleepers and sleep sacks, in place of a lightweight blanket.
- (i) When children are awake, they shall not be left unattended in cribs or other confinement for more than 30 minutes.
  - (j) An adult-size rocking chair shall be provided for each unit of infants.
  - (k) Children not held for feeding shall have low chairs and tables, infant seats with trays, or high chairs with a wide base and a safety strap.
  - (l) Either individually labeled towels and washcloths or disposable products shall be provided.
  - (m) Items that children can place in their mouths shall be washed and sanitized daily and shall be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.
  - (n) Each licensee shall ensure that at least one staff member who meets one of the following staff requirements is present for each unit of infants and each unit of toddlers:
    - (1) Option 1: An individual who meets the qualifications of K.A.R. 28-4-429(b) and has at least three months' experience caring for infants and toddlers;
    - (2) Option 2: a licensed L.P.N. or R.N. with three months' experience in pediatrics or in licensed child care centers enrolling infants and toddlers; or
    - (3) Option 3: a child development associate credential in infant and toddler care.
  - (o) Each licensee shall ensure that the following program requirements are met:
    - (1) Daily activities shall contribute to the following:
      - (A) Gross and fine motor development;
      - (B) visual-motor coordination;

- (C) language stimulation; and
  - (D) social and personal growth.
- (2) Infants and toddlers shall spend time outdoors daily unless extreme weather conditions prevail.
- (p) Each licensee shall ensure that the following food service requirements are met:
  - (1) The nitrate content of water for children under one year of age shall not exceed 10 milligrams per liter (10 mg/l) as nitrogen.
  - (2) Drinking water shall be available to each child at all times when the child is in care.
  - (3) Infants shall be held when bottle-fed until they can hold their own bottles.
  - (4) Infants and toddlers shall not be allowed to sleep with bottles in their mouths.
  - (5) Each bottle that contains prepared formula or breast milk shall be refrigerated with the nipple covered. The bottle shall be labeled with the child's name, the contents, and the date received and shall be used within 24 hours of the date on the label. If a child does not finish a bottle, the contents of the bottle shall be discarded. No formula or breast milk shall be heated in a microwave oven.
  - (6) Solid foods shall be offered when the program director and the parent or legal guardian of a child determine that the child is ready for solid foods. Opened containers of solid foods shall be labeled with child's name, the contents, and the date opened. Containers shall be covered and refrigerated. The food shall be used within three calendar days of the date opened. Food in previously opened containers shall be reheated only once and shall not be served to another child.
- (q) Each licensee shall ensure that the following toileting requirements are met:
  - (1) Children's clothing shall be changed whenever wet or soiled.
  - (2) Each child shall have at least two complete changes of clothing.
  - (3) Handwashing facilities shall be in or adjacent to the diaper-changing area.
  - (4) A changing table shall be provided for each unit of infants and each unit of toddlers.
  - (5) Each changing table shall have an impervious, undamaged surface. Each table shall be sturdy and shall be equipped with railings or safety straps.
  - (6) Changing tables shall be sanitized after each use by washing with a disinfectant solution of 1/4 cup of chlorine bleach to one gallon of water or with an appropriate commercial disinfectant.



- (7) Wet or soiled washable diapers or training pants shall be stored in a labeled, covered container or plastic bag and shall be returned home with the parent.
- (8) Wet or soiled disposable diapers shall be placed in a covered container or plastic bag, which shall be emptied daily.
- (9) There shall be one potty chair or child-sized toilet for every five toddlers. When a potty chair is used, the following requirements shall be met:
  - (A) Potty chairs shall be left in the toilet room.
  - (B) The wastes shall be disposed of immediately in a flush toilet.
  - (C) The container shall be sanitized after each use and shall be washed with soap and water daily.
  - (D) Potty chairs shall not be counted as toilets.
- (10) Each individual shall wash that individual's hands after diapering, assisting a child with toileting, or changing a child's wet or soiled clothing.
- (11) Changing and toileting procedures shall be posted.
- (r) There shall be daily communication between the parent, parents, or legal guardian and the staff about each child's behavior and development.

(Authorized by and implementing K.S.A. 2010 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Feb. 3, 2012.)